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# Mediterranean Governance Policy Brief

N°3, SEPTEMBER 2011



Project cofinanced by the  
European Regional Development Fund



## Mediterranean Regions and Multilevel Governance of Migration policies

### EXECUTIVE SUMMARY

#### Background

The history of Mediterranean regions has always been intertwined with the migratory flows that have occurred in this area. Even today migration is a very sensitive and controversial issue, both at EU and at national and regional level, given its considerable political, economic and social implications. Despite the development of legislation at EU level about the necessity of a shared EU vision, migration and integration of migrants policies has always been governed at national level even if often managed at local level. In this context it is important to analyze the actual role of regional actors in the 'governance' of migration policies impacting the Mediterranean territories. This means to reflect upon the presence/absence of institutionalized or informal co-ordination between different actors at different levels in the multilevel governance e.g. governments, local and regional authorities, multilateral organizations and also private actors, companies and NGOs, leading to the development of public policies, decisions and projects.

#### The 'governance' of migration policies

In recent years, the traditional theoretical models of integration (assimilationist, functionalist and multicultural), given the huge socio-economic changes with the related policies, take the national cases almost far from these patterns: new integration and inclusion policies and practices mostly replaced the French assimilation-based model with its generous provisions of individual rights, the Germany-Austria functionalist guest-worker model, and the North Europe multicultural and communitarian one. In parallel with the crisis of the traditional models, many changes occur at sub-national level: regions and local authorities are responsible, often with discretionary powers, for implementing effective integration policies, inventing new tools to manage the migration issue. These innovative tools are often adopted by national States and included in national policies. Success of local and regional authorities is due, in part, to the support of NGOs and civil society associations that provide immediate and concrete solutions to the practical problems commonly experienced by immigrants. However, in some contexts, like the Italian one, the appeal to NGOs and third sector groups is as useful as fragile, as they act in an emergency context, realizing initiatives and projects under annual funding, without any sure financial continuity or any final independent evaluation of their efficacy.

#### Current Situation

Transnational co-operation is absolutely necessary for migration policies. Analysis shows that co-ordination between central and local level exists among regions partners in the MEDGOVERNANCE project: UE gives indications and funds, national governments manage these funds, funding initiatives and projects to be implemented locally. This process guarantees closer co-operation and a good governance system at local level. In contrast, the vertical international cooperation is ineffective, and some initiatives, as the REMI project show, are better managed locally in different countries considered. Analysis of the characteristics of the governance process in Italy, Spain and France shows the centrality of regional and local stakeholders: governance at the local and subregional level is more important than at the national one. Only when EU funds meet institutions and civil societies ready to invest them in specific migration topics, then the projects and initiatives really can be implemented.



## INTRODUCTION

### Background

With its successive enlargements, EU has begun to give more and more attention to migration issue. The 1997 Amsterdam Treaty empowered the European Union's institutions to act on this field, through the development of joint policies on immigration and migrants integration. This principle has been reaffirmed by the European Council in 2008 European Pact on Immigration and Asylum in which heads of State and government have laid the founding principles of a common policy on immigration: legal immigration organized according to the priorities, needs and reception capacities determined by each Member State, encouragement of integration, fight to illegal immigration, effective border control, construction of a Europe of asylum and promotion of a real and effective partnership with countries of origin and transit. This last principle has been reaffirmed also in 2008 during the Second Euro-African Conference on Migration and Development.

### The Mediterranean Model

Some scholar tried to theorize a "Mediterranean Model" of migration: at the beginning: for them in the Eighties, migration had a spontaneous character, in a substantial absence of legislation. As a result the number of illegal migrants increased. Receiving Countries began later to create migratory policies, addressed to solve urgent problems. Migrant labour force was absorbed first in agriculture and services often with an ethnic specialization and with an high rate of female migrants. From the Nineties they start to be absorbed also in industries and construction, the ethnic composition and origin of flows were extremely diversified and no group reached a quantitative importance. In recent years migrants' social and professional origins have changed: unlike before, many of them have an high school level and come from urban areas of their Country.

## THE ITALIAN CONTEXT

### Historical background on migration

Italy became an immigration country in the second half of the 1970s, with three main immigration waves. The first wave included people from Africa (mainly Senegal, Eritrea and Somalia), the Middle East, Asia (The Philippines), and South America. The 1980s began with an increasing flow from the Maghreb. Other nationalities also became significant, including Chinese, Peruvians, and Nigerians.

At the beginning of the 1990s, migration flows from Eastern Europe began. People from Yugoslavia, Albania and Romania became the fastest growing group. Nowadays, Italy is undergoing a process of structural assessment of immigration. The immigrant population has changed its characteristics from a demographic, socio-economic and cultural point of view.

Extension of length of stay, gender balance, family reunification, increased numbers of immigrants with children, and a growing number of students in schools are some of the characteristics that outline a deep-seated phenomenon. Today, the immigrants have become part of the country's socio-economic fabric. They are also the origin of associations that aim to support the integration process and keep connections with their countries of origin alive.

A diachronic analysis of the data on residence permits illustrates how the origin of immigrants in Italy has moved progressively towards Eastern Europe, with migrations from Poland, Romania, Ukraine and Bulgaria becoming more and more relevant since the late 1990s.



### **Current situation**

Men are mainly employed as workers, while the women's workforce remains to a large extent absorbed in specific areas of the service sector, and at the lowest level. The economic distribution of regularly employed workers is as follows: 4.3% in agriculture (almost nine out ten with short-term contracts), 36.3% in industry, and 59.4% in the service sector (Caritas, 2011). Their percentage is growing faster in services and the building

The highest concentration of immigrant workers is found in domestic service, where over half of employees are immigrants, reaching around 75% in certain areas such as Rome and Milan. If we take into account domestic workers employed illegally (for example, the so-called "child-minders" from Eastern countries hired on a temporary basis), the percentage is even higher. Immigrant self-employment, mostly male, is also on the rise.

Nonetheless, the Italian context is also characterised by a certain proportion of irregular immigrants. It is difficult to quantify the current illegal immigrant population in Italy: it is estimated that about two-thirds of foreigners in Italy have spent some time in the country under illegal residence conditions. Readmission agreements have been signed with the main sending countries in Eastern Europe, the Balkans and North Africa, and are currently being extended to Sub-Saharan Africa and the Indian Subcontinent.

### **Political and institutional framework**

Several studies, both demographic and economic, recognize the fact that Italy will require significant numbers of immigrants in the future. Nevertheless, immigrants have experienced difficulties as a result of current Italian integration policies.

An immigrant policy was first introduced only in 1998. Law no. 286/98 explicitly encourages the development of programmes and policies to favour cultural exchange. Law 286/98 also provided for the establishment of a number of official bodies to facilitate the integration of immigrants. The new law on immigration, passed by parliament on 11th July 2002 (no. 189), was part of the electoral manifesto of the centre-right coalition and came on the wave of massive law-and-order campaigns and "immigration alarms".

It changed the situation considerably, increasing the limits of the previous legislation, strengthening repressive-legalist stances, and reducing the rights of immigrants and the space for integration policies. On the one hand, "the duration of residence permits for subordinate work has decreased, with the possibility of an unlimited number of renewals. In particular, while in the Turco-Napolitano law the usual duration was of two to four years, in the Bossi-Fini law it was reduced to one to two years". On the other hand, the new law introduces a sort of guest-worker system, as in Germany, abolishing the possibility of coming to Italy to seek a job (with the guarantee of a sponsor), introduced by the previous law.

In 2003, responsibility for welfare policy was devolved to the Italian Regions, which each receive a budget from the State for social policy. As a consequence, it is up to them to develop immigrant policy. There are considerable differences among the regions: only a few still have a specific budget on immigrant integration (Piedmont being one of these).

### **The need for a structured policy on migration**

The first law to regulate entry and residence permits of non-EU national has been the 1989 Martelli Law, signed in line with the Shengen agreement provisions. It also provided for an amnesty for 250.000 migrants. Only with the signing the Turco-Napolitano law and the Unified Act on Migration in 1998 Italy takes its first steps towards a structured policy on immigration, right up to the day when the question is at the center of an intense and sensitive debate in the political landscape.



**National Policy** Annual quotas for admission of third Country nationals and funding of specific projects in their favour are determined by the Ministry of Labour and Social Policy, responsible also for the monitoring of migration flows and the signing of bilateral agreements on migration and for its contribution to the legislative production on migration with the Parliament. The Interior Ministry is responsible of migration flows regulations in general and gives advice to Police and Prefectures responsible for residence permits and security.

To monitor migration flows and implement immigration policies there are some other bodies, both at national and local level. At national level there are the Commission for Integration Policies (only formally, without any funds, since the 2002) and the National Coordinating Body at the Labour and Economic Councils (CNEL).

**Regional and Local level** Local authorities have played a crucial role in providing the necessary conditions for immigrant settlement and integration. As early as the late 1980s and early 1990s, many local administrations, especially in the North of Italy started to provide free advice, counselling and other services, while national legislation was still lacking in this respect.

The first efforts of local public authorities to facilitate the integration of immigrants were complemented by the activities of a wide range of civil society organisations. In fact, in many cases these organisations have proved to be the best positioned to provide immediate and concrete solutions to the practical problems commonly experienced by immigrants. In most cities, there is close cooperation between local government and the NGO sector on integration initiatives. This illuminates one of the main characteristics of Italian immigration policy: in a situation of a lack of intervention by the central government, there has been great self-promotion of associations and the NGO sector.

**The Financial Framework** As far as financial framework is concerned, the EU created a number of financial programmes concerning migration management: the External Borders Fund, the Integration Fund, the Return Fund and the European Refugee Fund. These funds cannot be managed by the regions of the member States nor in the planning nor in their administration. They are distributed to the national authorities on the basis of a national multi-annual programming strategy. Following this strategy, the Ministry of Interior issue a call every year and regions can intervene only after this proposal and only to give their advice about the conformity of the proposal with the regional policy on migration. The Ministry selects the projects to be financed and regions are often involved in their implementation and they are asked to co-finance, give institutional and logistic support to projects executed by civil associations or local authorities, and selected by the central authority. When proposals for projects are submitted by a civil society organization, in some cases, as in the case of Lazio region, notwithstanding the financial support and logistic support that regional authorities guarantee to projects in their territory there is a lack of a true top-down coordination.

Local bodies are fully involved in the development of integration programmes. Law no. 286/98 set up a special fund for integration measures (National Fund for Migratory Policies) in order to provide local actors (public authorities, charitable associations, etc.) with financial resources. This fund, which was managed by the Ministry of Labour and Social Policy allocating financial resources among the regions, was incorporated in the National Fund For Social Policies in 2002, when Law no.189/2002 was passed by the centre-right government. Afterwards, in 2003, the provision of using part of the Fund to finance immigrants' integration measures was eliminated, and its amount was considerably reduced. The decision process of supporting integration policies has— since then – taken place at regional level.



Sub-national authorities are also partially involved in the policy planning, but with a limited power: first, they can participate to the State-regions Permanent Conference for the drafting of the Programmatic document, containing the State planned actions for the three years to come and the criteria to define the annual quotas of migrants accepted; second, once a year they submit a document to the Presidency of Council of ministers containing the number and social conditions of third Country nationals residing in the region and the quotas of new migrants that could be absorbed in the year to come.

#### **The “Prendere il Volo III” Project**

An interesting example of the attempt to promote a strength cooperation between national, regional, local authorities and civil society associations is the project “Prendere il Volo III”, proposed by the Province of Rome and selected for funding by the Ministry of Equal Opportunities. Its aim is the promotion of protection and social inclusion of victims of trafficking. The regional authorities have been involved in the project, thus leading to a strengthening of cooperation between the Region, local authorities and civil society. Region has become the main reference point for a project that, proposed by the Province of Rome, now involves some other provinces of the region.

#### **THE SPANISH CONTEXT**

#### **Current Situation**

Destination of immigration since the Eighties, Spain receives a substantial flow of migrants mainly from North Africa and Latin America: Moroccans, Ecuadorians, Colombians, but also a great number of Romanians arrive in Spain searching a better life or new economic opportunities. They often find an employment in construction or agriculture, positively contributing to the national economic performance. From 1998 to 2009, legal immigrants have multiplied by six, reaching approximately 4.9 millions. Also the number of undocumented migrants is relevant, from half to one million people. (Spanish Ministry of the Work and Immigration, 2009).

Spanish attitude toward illegal migrants is not well-structured: although expulsions do take place, they are limited in volume and the general attitude is of substantial tolerance, in part because illegal immigrants are very useful for the Spanish economy, as in the Italian case. Spain main actions regarding illegal migrants continue to be the entry and work visas demand, borders control, drive to return, expulsions and cooperation with Countries of origin and transit. In 2008 Spain adopted a plan, the Plan for the Voluntary Return, which provides the possibility of paying contributory unemployment benefits in advance to non-EU foreign workers who have lost their job in Spain and decided to voluntarily return to their Country of origin.

Migrants are concentrated mainly in the two largest cities, Madrid and Barcelona, and on the coastal regions. In particular, in Catalonia and Andalusia, being two of the main doors to Europe for many migrants, international and local policies are strictly intertwined. In agricultural regions, on the contrary, flows of migrants are managed mainly by local players, who absorb immigrants according to specific seasonal agricultural needs. These regions often constitute areas of only passage for migrants, as they tend not to settle permanently, given also the frequent tensions with residents.



<b>Policy and institutional framework</b>	<p>The Spanish policy and institutional context is characterized by a high degree of decentralization in many areas of policy. In this perspective, the different autonomous communities are able to develop specific seasonal policies regarding migration and integration of migrants. This fact, on the one hand, inevitably leads to a strong heterogeneity of models, but also to an 'open workshop' for sharing experiences and information, on the other hand, it establishes an increasing need for institutionalized spaces for coordination between the different regional governments.</p>
<b>National, regional and local responsibilities</b>	<p>The national State has an exclusive competence regarding the control of migration flows (entry requirements, visas, work permits and quotas, expulsions, system of administrative offenses and penalties) and it also indicate the general policy for integration (social services and rights) (Vicenç Aguado I Cudolà, 2004). The responsible organism of the development of governmental policies regarding emigration and immigration issues is the State Secretariat for Immigration and Emigration, within the Ministry of Work and Immigration. As far as immigration is concerned the Secretariat includes two General Directorate, for immigration and for the integration of migrants.</p> <p>On a regional level, autonomous communities have developed a series of policies to integrate the national State ones, mainly in the inclusion and integration field. Andalusia, for example, has been the first independent community to elaborate an Integral Immigration Plan to order in a global frame, under the authority of the Council Interior, the different policies on migration scattered among the different councils. Following the Integral Part I (2001-2004), the main general objectives of the Integral Part II (2006-2009) is an effective inclusion of migrants, with rights and duties, and their social, labour and cultural integration in the Andalusia society, with an effective access to the basic common services available to the entire population (education, legal attention, health care, employment, houses...). The Plan underlines also the importance of the improvement of living conditions in the migrants' origin Countries and the need of co-operation policies with them. Andalusia Regional Government Plans are integral and developed mainly through national funds and the European Social Fund.</p>
<b>Financial Framework</b>	<p>In 2008 the Spanish government allocated 200 million of euros for the migration policy: 55% for reception and integration, 45% to educational assistance and the remaining part for unaccompanied minors. The budget for reception of the autonomous communities has increased and they have been able to develop many initiatives, through local players, civil associations and NGOs, in the field of education, employment, housing and social services.</p>
<b>Legal framework</b>	<p>Spain is closely linked to EU legislation on immigration issue and several efforts have made to transpose the EU directives in the national legislation. Previous laws, often limited to the issue of borders control and repatriation agreements, have been replaced by laws containing also rules on the rights for irregular migrants, but also for their staying in processing centers, and a more rigid family reunification.</p> <p>However the main innovation of this law is the participation of regional governments to the approval of the work permits, until then under national competence. Spain is also active in cooperation agreements with countries of origin and transit to jointly combat illegal migration, to encourage the development in this Countries and to create opportunities of employment and better living conditions for migrants.</p>



**Regional and local governance in the autonomous communities**

In 2005 Catalonia adopted the Citizenship and Immigration Plan (2005-2009) with the purpose of creating a system of homogeneous criteria for any instances regarding migration management, both in the organizational sector, through co-ordinate basic policies, as well as in the professional one, through the promotion of cross-border training programmes. The Plan involves all local authorities present in the region and establishes the co-ordination of the various bodies and departments of the Generalitat and also with the other public authorities (State, Generalitat or local authorities). In this context, social agents, local authorities, various bodies and immigrant associations meet together in the Immigration and Citizens Committee. Many other local or regional organisms cooperate with the national State on the migration issue, as, for example, the Forum Social Integration of Immigrants in Catalonia or Andalusian Immigration Forum in Andalusia, this latter create to facilitate dialogue and communication between immigrant community and receiving society ant to combat racism and xenophobia.

### THE FRENCH CONTEXT

**Background**

France is the oldest destination of immigration flows in Europe: from 1820 Germans, Poles, Belgians and Italians went in France in search of a better condition of life and work. There was also a number of migrants victims of political persecution as Jews or Armenians. During the last thirty years, with a decreasing trend of foreign people living in the Country, migration is due mainly to family reunification, as a consequence of the strict rules on work permits, and especially from Algeria, Morocco and Portugal (Insee, various years).

**Current policy on migration**

One of the characteristics of French policy about migration has always been the balancing of migration flows according to the needs of the national economy and society. This aspect has been reaffirmed in 2008 from President Sarkozy, underlining also the importance of the borders' control, the fight to illegal migration, the integration on migrants and cooperation agreements with origin and transit countries. The link with the socio-economic needs of the Country is clearly visible in the migration policy of the recent years: residence permits issued for work purposes doubled between 2007 and 2008, while the ones for family reasons decreased.

**The main role of the national authority**

The main competence on the migration policy is attributed to the national authority. The four ministries (Foreign Affair, Justice, Social Affairs and Home Affairs) that dealt with this issue were replaced in 2005 by the Inter-ministerial Committee on Immigration Control, chaired by the Prime Minister. It sets up governments policy guidelines regarding migration flows, asylum and co-operative development. Another organism, the Inter-ministerial Committee on Integration, deals with integration and inclusion policies. There is also the National Agency for the Reception of Foreign Persons and Migration (ANAEM), created in 2005, whose main functions are the reception and support of foreign persons migrated in France (entry, reunification, employment...) and the implementation of the integration policies or assisted repatriation policies. A new agency, the French Office for Immigration and Integration (OFII), continuing on from ANAEM, is responsible on all entry procedures for migrants who want to settle in France for long-term. ANAEM is based in all metropolitan areas and OFII has the regional and infra-regional network of its platforms at its disposal.

**Regional and local players**

Regional and local players have a residual space, although critical, on migration policy issue. They are involved mainly in language learning, training, recognition of know-how and skills, promotion of the participation to the labour market (ethnic entrepreneurship) and encouragement to a greater civic and political participation.



### **Transnational co-operation and circular migration**

Following the 'global approach to migration' suggested by the EU, French governments insist on the importance of considering the socio-economic needs in France, in the Countries of origin and in the Countries of transit. In this perspective, the circular migration issue have become relevant: new residence permits have been introduced as well as joint management agreement for migration flows and co-operative development have been promoted, aimed at enhancing migration for work reasons, fighting illegal migration and promoting the development on the origin Countries. Circular migration would be useful both for the Country of origin, , through a return of skills, for the host Country, to mitigate recruitment difficulties for businesses in certain sectors and for migrants, through legal residence, welfare cover , training, and assisted return or settlement in the origin Country. In this context, in 2006 French governments promoted the "co-operation and development" programmes, addressed to the Countries of the African Sub Sahara and North Africa and aimed at promote individual, bilateral and multilateral actions driven by immigrants residing in France for development in their origin Country: productive investments, mobilization of the communities and elites, local development projects and reintegration and resettlement assistance in the Country of origin. This latter is implemented by ANAEM, that also manages the budget (national fund and European Refugee Fund).

### **The REMI project:**

In 2002 PACA regions and the Tuscany region created the Euro-Mediterranean Network of isolated young migrants (REMI). The main purposes of the projects are the improvement of the cares provided to unaccompanied migrant minors through the development of experience sharing activities, the identification of best practices, the training of professional and the improvement of national legal framework. The project involves the Spanish, French, Italian and Algerian and Moroccan authorities: the national French Ministry of Justice, the Algerian Ministry of Solidarity and Family, regional authorities of PACA regions, Tuscany region, Catalonia region, Tangier-Tetouan region (Morocco), and many local players, NGOs and civil society associations of all the partners. One of the strengths of this project is the fact that the international network created to assist unaccompanied minors from Africa to Europe manage to achieves better results at the local level of what could have been achieved with the involvement of the European Countries only at national level. If, on the one hand, this process guarantees a closer local co-operation and a strict governance at a local level, on the other hand, it has two relevant limits: first, the lack of continuity of institutional commitment in the project and, second, the lack of dialogue with upper level of decision, as, for example, dialogue between local actors and European institutions.

## **RECOMMENDATIONS**

### **Coordination among States and between States and the EU**

In the framework of migration policies, it is necessary to improve and strengthen the coordination among national States in order to avoid the heterogeneity of the legislation and interventions, as well as it is important a greater coordination between States and EU level, so that European institutions could be are active stakeholders players in a more the creation of a well structured, solid and coherent migration policies.

### **European dimension of migration policies**

It is also necessary the emergence of a favorable environment in order to build conducive to the birth and implement development of a European dimension of migration policies, still too related tied to the State or and regional authorities power.

### **Interregional cooperation**

Strengthening interregional cooperation in the field of migration is also important crucial in order to share successful practices and policies while improving information tools, as well as improve long-term co-operation between regional bodies and civil society through the development of training activities. The role of local and regional authorities should be strengthened in order to promote integration programmes in the cities and territories.



## Development in the Country of origin

Finally, support for development in the Country of origin should be strengthened and, taking a cue from the French concept of 'circular migration', better conditions in the Country of origin should be created, acting as a deterrent to emigration and incentive to return.

### CONCLUSIONS

The analysis on the 'governance' of migration policies conducted in three Euro-Mediterranean countries, particularly affected by the migratory phenomenon, shows a low degree of cooperation between local, national and European level. In general, if the policies of border control are managed mostly at the national level, the integration and social inclusion policies are carried out mainly at the local and regional level, through both institutional players and civil society associations and NGOs. Especially in the Italian context, third sector associations carry out concrete actions in addressing the immediate needs of migrants, but their intervention is fragile and poorly structured in the medium-long term. In addition, a relevant limit is related to the frequent lack of cooperation among regions and often a project relates to one area, without any attempt of involving the national or international networks.

### RESOURCES

For bibliographical resources, please refer to: **Paralleli Istituto Mediterraneo del Nordovest "A Mediterranean Strategy is possible"**. Paralleli ed. [http://www.medgov.net/sites/default/files/A\\_Mediterranean\\_Strategy\\_0.pdf](http://www.medgov.net/sites/default/files/A_Mediterranean_Strategy_0.pdf)

### THIS POLICY BRIEF

This Policy Brief is based upon the report by Susanna Terracina and Roberta Ricucci "**A Mediterranean Strategy is possible**" published in 2011 in the framework of the Project entitled MedGovernance - New Regional Governance of the Euromed Area, co-funded by the European Regional Development Fund (www.medgov.net) and assigned to one of the Project partners, Paralleli Istituto Mediterraneo del Nordovest (www.paralleli.org). The contents of the Policy Brief are the responsibility of the authors and do not necessarily reflect those of European Study Centre Plural nor those of any other MedGovernance Project partner.

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